

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )  
v. )  
Roddrick Kemtrell McDonald ) Case No: 4:94CR44-7  
Date of Previous Judgment: 3/26/96 ) USM No: 40302-004  
(Use Date of Last Amended Judgment if Applicable) ) David Q. Burgess  
Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 292 months **is reduced to** 235 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 38 Amended Offense Level: 36  
Criminal History Category: III Criminal History Category: III  
Previous Guideline Range: 292 to 365 months Amended Guideline Range: 235 to 293 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

**III. ADDITIONAL COMMENTS**

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of U.S. Probation.

Except as provided above, all provisions of the judgment dated 3/26/96 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: November 18, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

  
Lacy H. Thornburg  
United States District Judge 